

## **7. Choosing The Goal**

### **7.1 Introduction**

FOSTER CARE GOALS HAVE BEEN ESTABLISHED BY STATE LAW IN ORDER TO ASSURE PERMANENT PLANNING FOR THE CHILD. THE SERVICE PLAN FOR THE CHILD MUST SPECIFY ONE OF THE PERMANENCY GOALS LISTED BELOW. The service plan should also specify the concurrent goal in those cases where an alternative permanency goal has been established. IT MUST ALSO DOCUMENT SPECIFIC REASONS WHY A PARTICULAR GOAL HAS BEEN SELECTED AND THE REASON FOR SELECTION OF A LOWER RANKED GOAL OVER ONE OF HIGHER RANK. The Foster Care goals are listed in a hierarchy indicating the order in which the goal must be addressed by the agency. Refer to Section 9: Service Delivery for more information about each goal.

GOALS, IN ORDER OF PRIORITY, ARE:

### **7.2 Return To Parent(s) Or Prior Guardian**

The intent of this goal is to return the child to the parents or prior custodian when it can be safely accomplished. Reunification is the planned process of safely reconnecting children, their families, and their communities. This is the highest priority goal and, in most cases, is the initial goal chosen when a child comes into foster care. Refer to Section 9.3 for information related to service delivery for this goal.

### **7.3 Placement With Relatives**

The intent of this goal is to place the child with relatives and transfer custody to relatives. Refer to Section 9.4 for additional information on this goal.

### **7.4 Adoption**

The intent of this goal is to achieve a permanent home for a child through adoption. THE ADOPTION AND SAFE FAMILIES ACT OF 1997 REQUIRES THAT AN AGENCY PETITION FOR TERMINATION OF PARENTAL RIGHTS OF A CHILD IF THE CHILD HAS BEEN IN CARE FOR ANY 15 OF THE LAST 22 CONSECUTIVE MONTHS. AN AGENCY WOULD NOT PETITION FOR TERMINATION OF PARENTAL RIGHTS IF:

- IT CAN DOCUMENT AND PROVIDE COMPELLING REASONS WHY IT IS NOT IN THE BEST INTERESTS OF THE CHILD TO TERMINATE PARENTAL RIGHTS,
- THE CHILD RESIDES WITH RELATIVES, OR

- SERVICES HAVE NOT BEEN PROVIDED TO THE PARENT TO RETURN THE CHILD HOME SAFELY.

Refer to Section 9.5 for information on providing services to achieve the goal of adoption. An agency may choose adoption if one or more of the following conditions can be documented:

- 7.4.1 THE CHILD HAS BEEN ABANDONED BY THE PARENT(S) AND THEIR IDENTITY CANNOT BE DETERMINED. AFTER THREE MONTHS NO ONE HAS COME FORWARD TO IDENTIFY OR CLAIM A RELATIONSHIP TO THE CHILD. (§16.1-283 D)
- 7.4.2 THE PARENT(S) HAVE DISAPPEARED OR FAILED TO MAINTAIN CONTINUOUS CONTACT WITH THE CHILD AFTER FOSTER CARE PLACEMENT FOR A PERIOD OF SIX MONTHS OR MORE. (§16.1-283 C.1)
- 7.4.3 LIVING WITH THE PARENT(S) WOULD BE DANGEROUS AND DETRIMENTAL TO THE CHILD'S HEALTH AND WELFARE. (§16.2-283 B)
- 7.4.4 THE PARENT(S) IS UNABLE TO CORRECT THE CONDITIONS THAT LED TO THE CHILD'S FOSTER CARE PLACEMENT. (§16.1-283C)
- 7.4.5 CONDITIONS IN THE FAMILY SITUATION, INCLUDING PARENT/CHILD OR SIBLING RELATIONSHIPS, ARE HARMFUL TO THE CHILD. (§16.1-283B).
- 7.4.6 THE PARENT HAS BEEN CONVICTED OF SERIOUS CRIMES
  - THE PARENT HAS BEEN CONVICTED OF MURDER OR VOLUNTARY MANSLAUGHTER, OR A FELONY ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT SUCH AN OFFENSE AGAINST (i) A CHILD OF THE PARENT, (ii) A CHILD WITH WHOM THE PARENT RESIDED AT THE TIME OF THE OFFENSE, OR (iii) THE OTHER PARENT OF THE CHILD.
  - THE PARENT HAS BEEN CONVICTED OF FELONY ASSAULT OR BODILY WOUNDING RESULTING IN SERIOUS BODILY INJURY OR FELONY SEXUAL ASSAULT OF (i) A CHILD OF THE PARENT OR (ii) A CHILD WITH WHOM THE PARENT RESIDED AT THE TIME OF THE OFFENSE. SERIOUS BODILY INJURY MEANS BODILY INJURY RESULTING IN SUBSTANTIAL RISK OF DEATH, EXTREME PHYSICAL PAIN, PROTRACTED OR OBVIOUS DISFIGUREMENT, OR PROTRACTED LOSS OR IMPAIRMENT OF A BODILY MEMBER, ORGAN, OR FACULTY.
  - A PARENT HAS SUBJECTED ANY CHILD TO AGGRAVATED CIRCUMSTANCES. AGGRAVATED CIRCUMSTANCES MEANS TORTURE, CHRONIC OR SEVERE ABUSE, OR CHRONIC OR SEVERE SEXUAL ABUSE WHERE THE VICTIM IS (i) A CHILD OF THE PARENT OR A CHILD WITH WHOM THE PARENT RESIDED AT THE TIME SUCH CONDUCT OCCURRED AND INCLUDES THE FAILURE TO PROTECT A

CHILD FROM SUCH CONDUCT WHERE THAT CONDUCT OR FAILURE TO PROTECT (i) DEMONSTRATES DEPRAVED INDIFFERENCE TO HUMAN LIFE, OR (ii) RESULTED IN THE DEATH OF A CHILD OR SERIOUS BODILY INJURY TO CA CHILD. CHRONIC ABUSE OR CHRONIC SEXUAL ABUSE MEANS RECURRING ACTS OF PHYSICAL ABUSE THAT PLACE THE CHILD'S HEALTH, SAFETY OR WELL-BEING AT RISK. SEVER ABUSE AND SEVERE SEXUAL ABUSE MEANS MAY INCLUDE AN ACT OR OMISSION THAT OCCURRED ONLY ONCE BUT MEETS THE DEFINITION OF "AGGRAVATED CIRCUMSTANCES." (§16.1-281 (B) AND § 16.1-283 (E)).

- THE LOCAL BOARD HAVING CUSTODY IS NOT REQUIRED TO MAKE REASONABLE EFFORTS TO REUNITE THE CHILD WITH A PARENT CONVICTED OF A SERIOUS CRIME AGAINST SUCH CHILD OR ANY OTHER CHILD WHO RESIDED WITH SUCH PARENT AT THE TIME OF SUCH OFFENSE. (§16.1-283 E)

- 7.4.7 A SIBLING OF THE CHILD HAS HAD PARENTAL RIGHTS INVOLUNTARILY TERMINATED. (§16.1-283 E AND F)
- 7.4.8 THE PARENT(S) HAS REQUESTED TO BE RELIEVED PERMANENTLY OF RESPONSIBILITY FOR THE CHILD. (§16.1-278.3)
- 7.4.9 ONE OR BOTH OF THE PARENTS HAVE DIED AND THE SURVIVING PARENT OR FAMILY MEMBERS ARE UNABLE OR UNWILLING TO TAKE RESPONSIBILITY FOR THE CHILD. (§16.1-283 C)

## **7.5 Permanent Foster Care**

SELECTION OF THIS GOAL AND PLACEMENT OF A CHILD IN A PERMANENT FOSTER HOME OCCURS ONLY AFTER A DETERMINATION THAT THE RETURN HOME, PLACEMENT WITH RELATIVES, OR ADOPTION OF THE CHILD ARE NOT REASONABLE ALTERNATIVES. This goal is selected when the child has developed a relationship with a foster family. The intent is for the child to remain with the foster family permanently. Refer to Section 9.6 for more information about permanent foster care.

### **7.5.1 LEGAL AUTHORITY FOR PERMANENT FOSTER CARE (§63.2-908)**

- 7.5.1.1 THE AGENCY MUST PETITION THE COURT TO APPROVE A PERMANENT FOSTER CARE PLACEMENT FOR A CHILD. A residential facility is not a permanent foster care placement.
- 7.5.1.2 THE COURT MUST DETERMINE THAT DILIGENT EFFORTS HAVE BEEN MADE TO RETURN THE CHILD HOME, PLACE THE CHILD WITH RELATIVES, OR PLACE THE CHILD FOR ADOPTION PRIOR TO APPROVING THE PERMANENT FOSTER HOME PLACEMENT.

- 7.5.1.3 THE COURT ORDER APPROVING THE PERMANENT FOSTER CARE PLACEMENT MUST SPECIFY (i) THE NATURE AND FREQUENCY OF VISITATION BY THE BIRTH PARENTS, AND (ii) ANY MODIFICATIONS IN RIGHTS AND RESPONSIBILITIES OF THE FOSTER PARENTS THAT DIFFER FROM THOSE PROVIDED IN §63.2-908.

**7.5.2 OTHER CONSIDERATIONS IN CHOOSING THIS GOAL**

- 7.5.2.1 Permanent foster parents have legal authority to consent to surgery, military service, marriage, application for driver's license and college admission, and other activities requiring parental consent and should be willing to assume most of these responsibilities.
- 7.5.2.2 A positive relationship should exist between the child and the foster parents.
- 7.5.2.3 The child should be age 12 or over. In some situations, permanent foster care may be appropriate for younger children; for example, when a younger child is to be placed with older siblings. In these situations, the regional foster care consultant must be contacted before the petition is filed for the permanency planning hearing. The purpose of this contact is to ensure that the higher-ranking goals have been considered appropriately.

**7.5.3 THE PERMANENT FOSTER CARE AGREEMENT (§§63.2-908, 63.2-902)**

THE AGENCY MUST ENTER INTO A WRITTEN AGREEMENT WITH THE PERMANENT FOSTER PARENTS WHICH DESCRIBES THE ROLES AND RESPONSIBILITIES OF THE FOSTER PARENTS, AGENCY, AND PARENT(S). The agreement should include any requirements on the court order. (See Appendix A for a sample Permanent Foster Care Agreement Form)

**7.6 Independent Living**

THIS GOAL MAY BE CHOSEN FOR YOUTH, AGES 16 AND OVER, WHO ARE PREPARING FOR INDEPENDENT LIVING WHEN ALL OTHER GOALS HAVE BEEN CONSIDERED AND ARE NOT FEASIBLE. THIS GOAL DOES NOT REQUIRE THAT THE YOUTH BE LIVING IN AN INDEPENDENT LIVING ARRANGEMENT. Refer To Section 9.7 for additional information.

**7.7 Another Planned Permanent Living Arrangement**

THE SELECTION OF "ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT" (§16.1-282.1. A) IS APPROPRIATE ONLY IF THE CHILD HAS A SEVERE AND CHRONIC EMOTIONAL, PHYSICAL OR NEUROLOGICAL DISABLING CONDITION FOR WHICH

THE CHILD REQUIRES LONG-TERM RESIDENTIAL TREATMENT OF SIX MONTHS OR LONGER.

7.7.1 THE AGENCY PROPOSING THIS GOAL FOR A CHILD MUST DOCUMENT THE FOLLOWING IN THE FOSTER CARE SERVICE PLAN:

- THE AGENCY HAS THOROUGHLY INVESTIGATED THE FEASIBILITY OF THE FOLLOWING PLACEMENT ALTERNATIVES: RETURN TO PARENT(S) OR PRIOR CUSTODIAN, PLACEMENT WITH RELATIVES, ADOPTION, PERMANENT FOSTER CARE, AND INDEPENDENT LIVING, AND DETERMINED WHY NONE OF THESE ALTERNATIVES ARE CURRENTLY IN THE CHILD'S BEST INTEREST;
- COMPELLING REASON(S) WHY NONE OF THE ALTERNATIVE GOALS ARE ACHIEVABLE FOR THIS CHILD AT THIS TIME;
- IDENTITY OF A LONG-TERM RESIDENTIAL TREATMENT SERVICE PROVIDER;
- NATURE OF THE CHILD'S DISABILITY;
- ANTICIPATED LENGTH OF TIME REQUIRED FOR THE CHILD'S TREATMENT; AND
- STATUS OF THE CHILD'S ELIGIBILITY FOR ADMISSION AND LONG-TERM TREATMENT.

7.7.2 IF THE COURT APPROVES THE GOAL OF "ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT" FOR A CHILD, THE COURT MUST SCHEDULE A FOSTER CARE REVIEW HEARING TO BE HELD WITHIN SIX MONTHS FROM THE DATE OF THE PERMANENCY PLANNING HEARING TO REVIEW THE CHILD'S PLACEMENT IN "ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT." AT THE CONCLUSION OF THE FOSTER CARE REVIEW HEARING, IF THE GOAL OF "ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT" REMAINS THE PERMANENT PLAN, THE COURT MUST INDICATE ON THE ORDER THAT REASONABLE EFFORTS HAVE BEEN MADE TO PLACE THE CHILD IN ACCORDANCE WITH THE PERMANENCY PLAN. THE COURT MUST ALSO CONTINUE TO MONITOR THE CHILD'S STATUS WITH A HEARING EVERY SIX MONTHS AND EACH ORDER MUST INDICATE REASONABLE EFFORTS HAVE BEEN MADE IN ACCORDANCE WITH THE PERMANENCY PLAN.

7.7.3 THE AGENCY MUST FILE A PETITION FOR A FOSTER CARE REVIEW NO LATER THAN 30 DAYS PRIOR TO THE SCHEDULED SIX-MONTH HEARING.

7.7.4 IF AT ANY TIME DURING THE SIX-MONTH PERIOD, THE TREATMENT PROVIDER DETERMINES THE CHILD NO LONGER NEEDS LONG-TERM RESIDENTIAL TREATMENT, THE AGENCY SHALL BEGIN TO PLAN FOR POST DISCHARGE SERVICES AND, WITHIN 30 DAYS, PETITION THE

COURT FOR A PERMANENCY PLANNING HEARING. THE COURT SHALL SCHEDULE THE HEARING TO OCCUR WITHIN 30 DAYS OF NOTIFICATION.

#### **7.8 Continued Foster Care**

CONTINUED FOSTER CARE CANNOT BE ACHIEVED AND SHOULD ONLY BE CHOSEN WHEN ALL OTHERS GOALS HAVE BEEN EXCLUDED.